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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

ZHEN PAI LIU,

Defendant.

No. 3-09-71021-JCS

STIPULATION AND ~~PROPOSED~~
ORDER DOCUMENTING WAIVER

With the agreement of the parties, and with the consent of the defendant, the Court enters this order vacating the preliminary hearing date of December 21, 2009, setting a new preliminary hearing date on January 18, 2010, at 9:30 a.m., before the duty magistrate judge, extending the time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, and excluding time under the Speedy Trial Act until January 18, 2010. The parties agree and stipulate, and the Court finds and holds, as follows:

1. The defendant, ZHEN PAI LIU, was arrested during the afternoon of Friday, December 4, 2009, and charged in a complaint filed on the morning of Monday, December 7,

2009, with one count of conspiracy to distribute and to possess with intent to distribute MDMA, commonly known as Ecstasy, in violation of 21 U.S.C. § 846. LIU was presented to Magistrate Judge Joseph C. Spero on December 7, 2009, and on December 10, 2009, Hugh Levine, Esq., was formally appointed to represent LIU. The defendant waived his right to seek bail without prejudice to any future bail applications, and a preliminary hearing date was set for December 21, 2009. The defendant remains detained pending further proceedings.

2. Following the appointment of Mr. Levine, the parties have been conferring regarding possible dispositions of this matter prior to the filing of formal charges. Toward this goal, the defense require additional time prior to the filing of charges to conduct its review of the case. As a result, the parties respectfully seek to continue the preliminary hearing date from December 21, 2009 to January 18, 2010, pursuant to Federal Rule of Criminal Procedure 5.1. The parties also seek exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, for this purpose.

3. Taking into the account the public interest in the prompt disposition of criminal cases, the above-stated ground is good cause for extending the time limit for a preliminary hearing under Federal Rule of Criminal Procedure 5.1, for the filing period for an indictment, and for excluding time under the Speedy Trial Act. Failure to grant the continuance would deny the defense time for effective preparation and for seeking disposition of this matter on agreed-upon terms.

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1 4. Accordingly, with the consent of the defendant, the Court hereby: (a) vacates the
2 December 21, 2009 preliminary hearing date and continues the time for the preliminary hearing
3 until January 18, 2010, before the duty magistrate judge, at 9:30 a.m.; and (b) orders that the
4 period until January 18, 2010 be excluded from the time period for preliminary hearings under
5 Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C.
6 § 3161(h)(7)(A) & (B)(iv).

7 SO STIPULATED:

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9 DATED: December 17, 2009

/s/

HUGH A. LEVINE, ESQ.
Attorney for ZHEN PAI LIU

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12 DATED: December 17, 2009

/s/

W.S. WILSON LEUNG
Assistant United States Attorney

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15 IT IS SO ORDERED.

16 DATED: December 18, 2009

